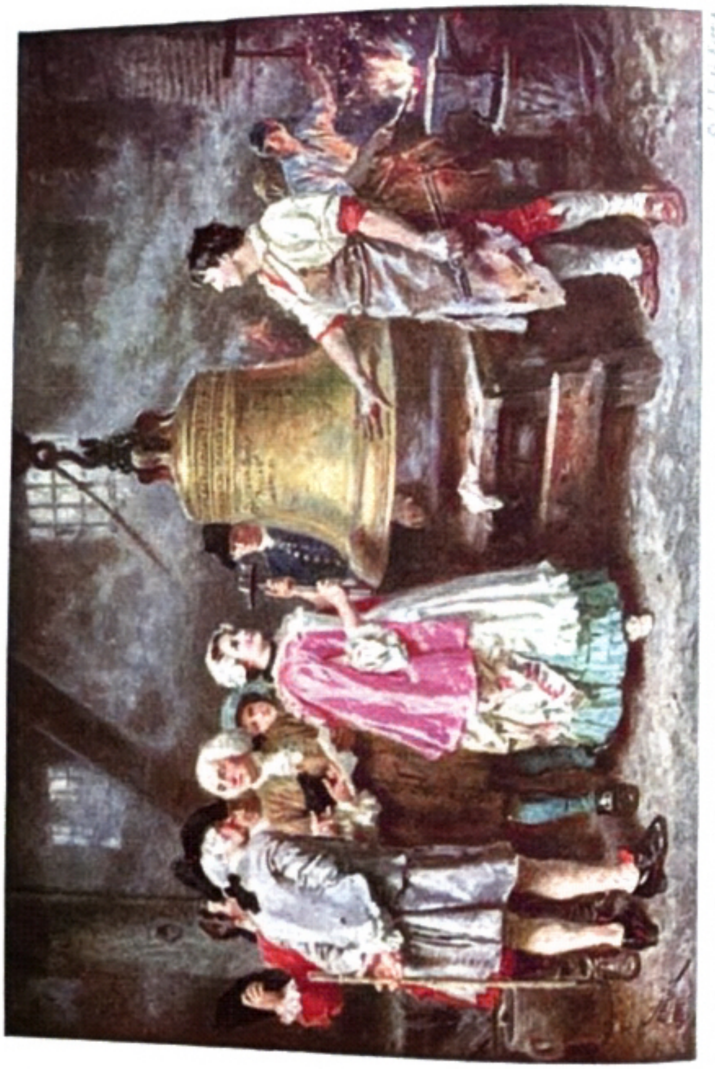
# OUR
# GREAT STATE
# PAPERS



THE LIBERTY BELL'S FIRST NOTE—1753

# OUR GREAT STATE PAPERS

## THE DECLARATION OF INDEPENDENCE

## THE CONSTITUTION OF THE UNITED STATES

## THE CONSTITUTION OF NEW JERSEY

## THE HISTORY OF AND PLEDGE TO THE UNITED STATES FLAG

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STATE PAPERS

## THE AMERICAN'S CREED

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

—*William Tyler Page.*

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# THE DECLARATION OF INDEPENDENCE

In Congress July 4, 1776

*The Unanimous Declaration of the Thirteen United States of America*

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our loss; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases of the benefits of Trial by jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging war against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

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For depriving us in many cases of the benefits of Trial by jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

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He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow-Citizens taken captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus Marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must therefore, acquiesce in the necessity which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, We mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

### SIGNERS OF THE DECLARATION OF INDEPENDENCE

| Name | Colony | Occupation | Born | Birthplace | Died | Age |
|---|---|---|---|---|---|---|
| **Adams, John** | Mass. | Lawyer | 1735 | Braintree, Mass | 1826 | 92 |
| **Adams, Samuel** | Mass. | Merchant | 1722 | Boston, Mass | 1803 | 81 |
| **Bartlett, Josiah** | N. H. | Physician | 1729 | Amesbury, Mass | 1795 | 67 |
| **Braxton, Carter** | Va. | Planter | 1736 | Newington, Va | 1797 | 62 |
| **Carroll, Charles** | Md. | Lawyer | 1737 | Annapolis, Md | 1832 | 96 |
| **Chase, Samuel** | Md. | Lawyer | 1741 | Somerset Co., Md | 1811 | 71 |
| **Clark, Abraham** | N. J. | Lawyer | 1726 | Elizabethtown, N. J | 1794 | 69 |
| **Clymer, George** | Pa. | Merchant | 1739 | Philadelphia, Pa | 1813 | 75 |
| **Ellery, William** | R. I. | Lawyer | 1727 | Newport, R. I | 1820 | 93 |
| **Floyd, William** | N. Y. | Farmer | 1734 | Setauket, N. Y | 1821 | 87 |
| **Franklin, Benjamin** | Pa. | Printer | 1706 | Boston, Mass | 1790 | 85 |
| **Gerry, Elbridge** | Mass. | Merchant | 1744 | Marblehead, Mass | 1814 | 71 |
| **Gwinnett, Button** | Ga. | Merchant | 1732 | England | 1777 | 45 |
| **Hancock, John** | Mass. | Merchant | 1737 | Braintree, Mass | 1793 | 57 |
| **Hall, Lyman** | Ga. | Physician | 1731 | Connecticut | 1784 | 53 |
| **Harrison, Benjamin** | Va. | Farmer | 1740 | Berkeley, Va | 1791 | 51 |
| **Hart, John** | N. J. | Farmer | 1715 | Hopewell, N. J | 1780 | 65 |
| **Hewes, Joseph** | N. C. | Lawyer | 1730 | Kingston, N. J | 1779 | 49 |
| **Heyward, Thomas, Jr** | S. C. | Lawyer | 1746 | St. Luke's, S. C | 1809 | 63 |
| **Hooper, William** | N. C. | Lawyer | 1742 | Boston, Mass | 1790 | 49 |
| **Hopkins, Stephen** | R. I. | Farmer | 1707 | Scituate, Mass | 1785 | 79 |
| **Hopkinson, Francis** | N. J. | Lawyer | 1737 | Philadelphia, Pa | 1791 | 54 |
| **Huntington, Samuel** | Conn. | Lawyer | 1732 | Windham, Conn | 1796 | 64 |
| **Jefferson, Thomas** | Va. | Lawyer | 1743 | Shadwell, Va | 1826 | 83 |
| **Lee, Richard Henry** | Va. | Soldier | 1732 | Stratford, Va | 1794 | 63 |
| **Lee, Francis Lightfoot** | Va. | Farmer | 1734 | Stratford, Va | 1797 | 63 |
| **Lewis, Francis** | N. Y. | Merchant | 1713 | Llandaff, Wales | 1803 | 91 |
| **Livingston, Philip** | N. Y. | Merchant | 1716 | Albany, N. Y | 1778 | 63 |
| **Lynch, Thomas, Jr** | S. C. | Lawyer | 1749 | Prince George's Co., S. C. | 1779 | 30 |
| **McKean, Thomas** | Del. | Lawyer | 1734 | New London, Pa | 1817 | 84 |
| **Middleton, Arthur** | S. C. | Lawyer | 1743 | Middleton Pl., S. C | 1788 | 44 |
| **Morris, Lewis** | N. Y. | Farmer | 1726 | Morrisania, N. Y | 1798 | 72 |
| **Morris, Robert** | Pa. | Merchant | 1734 | Lancashire, England | 1806 | 73 |
| **Morton, John** | Pa. | Surveyor | 1724 | Ridley, Pa | 1777 | 53 |
| **Nelson, Thomas, Jr** | Va. | Statesman | 1738 | York, Va | 1789 | 51 |
| **Paca, William** | Md. | Lawyer | 1740 | Wye Hall, Md | 1799 | 59 |
| **Paine, Robert Treat** | Mass. | Lawyer | 1731 | Boston, Mass | 1814 | 84 |
| **Penn, John** | N. C. | Lawyer | 1741 | Caroline Co., Va | 1788 | 48 |
| **Read, George** | Del. | Lawyer | 1734 | Cecil Co., Md | 1798 | 64 |
| **Rodney, Cæsar** | Del. | General | 1730 | Dover, Del | 1783 | 53 |
| **Ross, George** | Pa. | Lawyer | 1730 | New Castle, Del | 1779 | 49 |
| **Rush, Benjamin** | Pa. | Physician | 1745 | Berberry, Pa | 1813 | 68 |
| **Rutledge, Edward** | S. C. | Lawyer | 1749 | Charleston, S. C | 1800 | 51 |
| **Sherman, Roger** | Conn. | Shoemaker | 1721 | Newton, Mass | 1793 | 73 |
| **Smith, James** | Pa. | Lawyer | 1710 | Ireland | 1806 | 96 |
| **Stockton, Richard** | N. J. | Lawyer | 1730 | Princeton, N. J | 1781 | 51 |
| **Stone, Thomas** | Md. | Lawyer | 1742 | Pointoin Manor, Md | 1787 | 45 |
| **Taylor, George** | Pa. | Physician | 1716 | Ireland | 1781 | 65 |
| **Thornton, Matthew** | N. H. | Physician | 1714 | Ireland | 1803 | 89 |
| **Walton, George** | Ga. | Lawyer | 1740 | Frederick Co., Va | 1804 | 64 |
| **Whipple, William** | Conn. | Sailor | 1730 | Kittery, Me | 1785 | 55 |
| **Williams, William** | Conn. | Statesman | 1731 | Lebanon, Conn. | 1811 | 81 |
| **Wilson, James** | Pa. | Lawyer | 1742 | St. Andrews, Scotland | 1798 | 56 |
| **Witherspoon, John** | N. J. | Minister | 1722 | Yester, Scotland | 1794 | 73 |
| **Wolcott, Oliver** | Conn. | Physician | 1726 | Windsor, Conn | 1797 | 72 |
| **Wythe, George** | Va. | Lawyer | 1726 | Elizabeth Co., Va | 1806 | 80 |

# THE CONSTITUTION OF THE UNITED STATES

**Preamble.**—We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

## ARTICLE I

**Legislative Powers.**—SECTION I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**House of Representatives.**—SECTION II. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

**Qualifications of Representatives.**—2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

**Apportionment of Representatives.**—3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made the State of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5: New York, 6; New Jersey

4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; and Georgia, 3.*

**Vacancies, How Filled.**—4. When vacancies happen in the representation from any State, the Executive Authority thereof shall issue writs of election to fill such vacancies.

**Officers, How Appointed.**—5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

**Senate.**—SECTION III. 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.†

**Classification of Senators.**—2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

**Qualifications of Senators.**—3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

**President of the Senate.**—4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

**Senate a Court for Trial of Impeachments.**—6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

**Judgment in Case of Conviction.**—7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

**Elections of Senators and Representatives.**—SECTION IV. 1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

**Meeting of Congress.**—2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

**Organization of Congress.**—SECTION V. 1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

**Rule of Proceedings.**—2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member.

**Journals of Each House.**—3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

**Adjournment of Congress.**—4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

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* See Article XIV, Amendments.

† See Article XVII, Amendments.

**Pay and Privileges of Members.**—SECTION VI. 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

**Other Offices Prohibited.**—2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

**Revenue Bills.**—SECTION VII. 1. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

**How Bills Become Laws.**—2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return; in which case it shall not be a law.

**Approval and Veto Powers of the President.**—3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and the House of Representatives, according to the rules and limitations prescribed in the case of a bill.

**Powers Vested in Congress.**—SECTION VIII. 1. The Congress shall have power:

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post offices and post roads.

8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dry docks, and other needful buildings.

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

**Immigrants, How Admitted.**—Section IX. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

**Habeas Corpus.**—2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

**Attainder.**—3. No bill of attainder or ex post facto law shall be passed.

**Direct Taxes.**—4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

**Regulations Regarding Customs Duties.**—5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

**Moneys, How Drawn.**—7. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

**Titles of Nobility Prohibited.**—8. No title of nobility shall be granted by the United States. And no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

**Powers of States Defined.**—Section X. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State, shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II

**Executive Power, in Whom Vested.**—Section I. 1. The Executive power shall be vested in a President of the United

States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

**Electors.**—2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

**Proceedings of Electors.—Proceedings of the House of Representatives.**—3. The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed, and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote. A quorum, for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*

**Time of Choosing Electors.**—4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

**Qualifications of the President.**—5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.

**Provision in Case of His Disability.**—6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

**Salary of the President.**—7. The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

**Oath of the President.**—8. Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

**Duties of the President.**—SECTION II. 1. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves

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* This clause is superseded by Article XII, Amendments.

and pardons for offences against the United States except in cases of impeachment.

**May Make Treaties, Appoint Ambassadors, Judges, etc.**—2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

**May Fill Vacancies.**—3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session.

**May Make Recommendations to and Convene Congress.**—SECTION III. He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

**How Officers May Be Removed.**—SECTION IV. The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III

**Judicial Power, How Vested.**—SECTION I. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

**To What Cases it Extends.**—SECTION II. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

**Jurisdiction of the Supreme Court.**—2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before-mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

**Rules Respecting Trials.**—3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

**Treason Defined.**—SECTION III. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**How Punished.**—2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

## ARTICLE IV

**Rights of States and Records.**—Section I. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

**Privileges of Citizens.**—Section II. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

**Executive Requisitions.**—2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

**Laws Regulating Service or Labor.**—3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

**New States, How Formed and Admitted.**—Section III. 1. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

**Power of Congress over Public Lands.**—2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

**Republican Government Guaranteed.**—Section IV. The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

## ARTICLE V

**Constitution, How Amended.**—The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the First Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI

**Validity of Debts Recognized.**—1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

**Supreme Law of the Land Defined.**—2. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

**Oath: of Whom Required and for What.**—3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

### ARTICLE VII

**Ratification of the Constitution.**—The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in Convention by the unanimous consent of the States present the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names

Go: WASHINGTON,
Presidt. and Deputy from Virginia.

## AMENDMENTS TO THE CONSTITUTION

**Articles in addition to, and Amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several states, pursuant to the Fifth Article of the original Constitution.**

### ARTICLE I

**Religion and Free Speech.**—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### ARTICLE II

**Right to Bear Arms.**—A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

### ARTICLE III

**Soldiers in Time of Peace.**—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

### ARTICLE IV

**Right of Search.**—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### ARTICLE V

**Capital Crimes and Arrest Therefor.**—No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

### ARTICLE VI

**Right to Speedy Trial.**—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of council for his defence.

### ARTICLE VII

**Trial by Jury.**—In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

## ARTICLE VIII

**Excessive Bail.**—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX

**Enumeration of Rights.**—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

## ARTICLE X

**Reserved Rights of States.**—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## ARTICLE XI

**Judicial Power.**—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State.

## ARTICLE XII

**Electors in Presidential Elections.**—The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed, and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

## ARTICLE XIII

**Slavery Prohibited.**—1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV

**Protection for all Citizens.**—1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United

States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

**Apportionment of Representatives.**—2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being of twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**Rebellion Against the United States.**—3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

**The Public Debt.**—4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

## ARTICLE XV

**Right of Suffrage.**—1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

2. The Congress shall have power to enforce the provisions of this article by appropriate legislation.

## ARTICLE XVI

**Income Taxes.**—The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

## ARTICLE XVII

**Election of Senators.**—The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies, provided that the Legislature of any State may empower the Executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

## ARTICLE XVIII

**Liquor Prohibition.**—1. After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures

of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

## ARTICLE XIX

**Woman Suffrage.**—1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex.

Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

## ARTICLE XX

**Terms of President, Vice-President, Members of Congress, Times of Assembling of Congress.**—1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

## ARTICLE XXI

**Repeal of Article XVIII.**—1. The Eighteenth article of amendment to the Constitution of the United States is hereby repealed.

2. The transportation or importation into any State, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions of the several States, as provided in the Constitution within seven years from the date of the submission hereof to the States by the Congress.

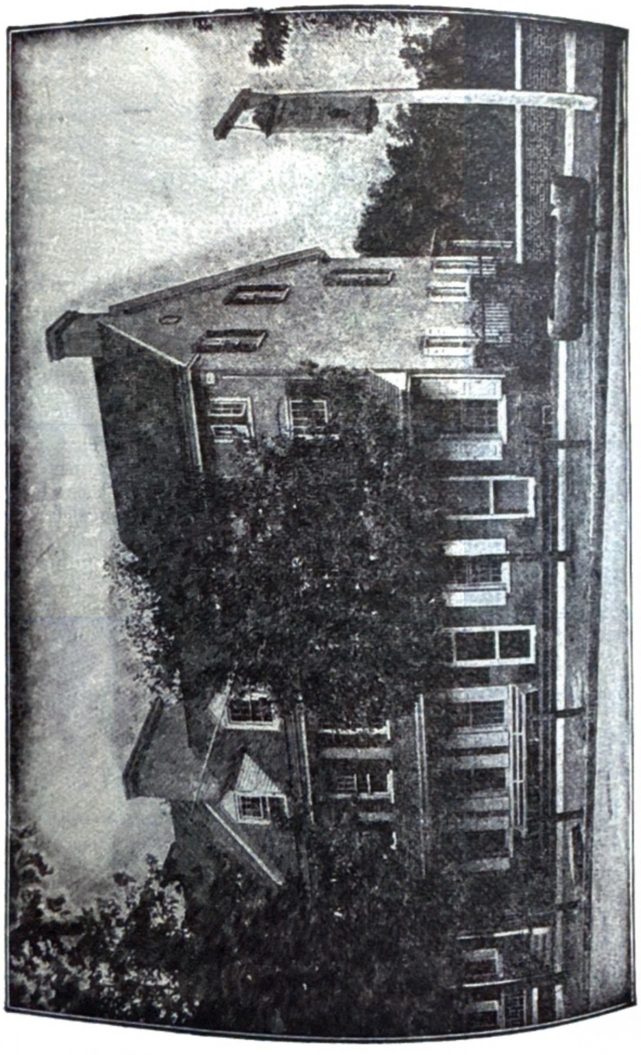
## ARTICLE XXII

**President's Term of Office.**—1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any persons holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

## RATIFICATION OF THE AMENDMENTS

Articles I to X were declared in force in 1791; Article XI in 1798; Article XII in 1804; Article XIII was proclaimed in 1865; Article XIV in 1868; Article XV in 1870; Article XVI and Article XVII in 1913; Article XVIII in 1919; Article XIX in 1920; Article XX and Article XXI in 1933; Article XXII was ratified in 1951.



THE INDIAN KING AT HADDONFIELD

Within its walls the Colonial legislature gathered thrice and at the last session substituted *the word "state"* for the word "colony" in the documents of the new commonwealth.

# CONSTITUTION OF THE STATE OF NEW JERSEY
## 1947

**History**

A Constitution was agreed upon by the delegates of the people of New Jersey who met in convention at Trenton from the fourteenth day of May to the twenty-ninth day of June, in 1844. This Constitution was ratified by the people at an election held on the thirteenth day of August, 1844, and amended at a special election held on the seventh day of September, 1875, at another special election held on the twenty-eighth day of September, 1897, and at another special election held on the twentieth day of September, 1927.

The present Constitution of New Jersey was agreed upon by delegates of the people of New Jersey in convention begun at Rutgers University, the State University of New Jersey, in New Brunswick, on the twelfth day of June, and continued to the tenth day of September, 1947. It was ratified by the people at the general election held on November 4, 1947.

**Preamble**

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution.

The preamble of a constitution is an introduction. Notice that this preamble expresses the gratitude which the people feel for their liberties. It also tells you that the people hope that the liberties which they have won may be passed on to coming generations by means of the rules which they set down in the constitution.

## ARTICLE I

### RIGHTS AND PRIVILEGES

**Natural Rights**

1. All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

Do you notice how similar this paragraph is to a part of the Declaration of Independence? Democratic government is based on the idea that all people have certain rights and that government should protect them in the enjoyment of those rights. Notice that the rights mentioned here are life, liberty, property, safety, and happiness. Of course a person must not interfere with the rights of others in trying to secure his own rights. He must learn team play.

**Political Power**

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

In early times many people held that political power belonged to a king or to nobles. Now we claim that the people should rule themselves. They have a right to make the kind of government which they feel will protect and benefit them. Of course, if they can make it, they can change it whenever they think a change is necessary.

**Religious Freedom**

3. No person shall be deprived of the inestimable privilege of worshiping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious or racial test shall be required as a qualification for any office or public trust.

These two sections give to everyone freedom in his religion. The clauses guarantee, also, that one's religion shall not be considered if he is a candidate for a public office, or in connection with any civil right. It would seem very strange to us now for our government to try to force people to go to a certain church. Thomas Jefferson was one of the great believers in religious liberty and he wrote this idea into the constitution of Virginia.

**Equal Rights**

5. No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.

You have probably read the expression "all men are created equal." This clause says the same thing in different words. It declares that all persons, regardless of color or creed, are entitled to the rights and privileges listed in this article of the constitution. The schools, the army, and the government must grant equal protection and equal opportunity to everyone.

**Freedom o Speech**

6. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Freedom of speech is another right which people under autocratic governments never had. Every person has a right to criticize what a public official does provided he does not spread lies about the official. If you spread an untruth which another man feels is an injury to him he might sue you in the courts for what is called "libel." If you can prove that what you said is true you would be acquitted; but if it proves to be false you might be penalized. Honest discussion makes for good government.

**Personal Security**

7. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

In the ordinary case an officer of the law may not enter your house to search for anything unless a warrant is issued. A warrant is a paper issued by a judge giving the officer the right to make the search. The judge must not issue the warrant unless he is reasonably sure, on someone's oath or affirmation, that you have something illegal in your house. Do you see how this protects you from unjust interference? How would you like to live in a country where a policeman could come in and search your house just because he suspects that you have something illegal there?

**Protection by Grand Jury**

8. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases now prosecuted without indictment, or arising in the army or navy or in the militia, when in actual service in time of war and public danger.

A grand jury is a body of the county citizens, twenty-three in number, that sit in secret session to hear evidence which tends to show the commission of a crime. The charges are usually brought by the law enforcement officers of the county and state. If twelve or more members of the grand jury are convinced that a crime has been committed, they make a formal charge, called an indictment, against the person or persons involved. This indictment is then presented to the court where the accused, if he desires, may have a trial by a petit jury or a trial jury. If the grand jury is not satisfied from the proof, no bill of indictment is presented and the accused is discharged. In cases of impeachment and in cases involving military charges against military personnel, the grand jury does not act. Minor offenses such as motor vehicle violations and disorderly conduct are not presented to the grand jury but are handled by magistrates.

**Right of Trial by Jury**

9. The right of trial by jury shall remain inviolate; but the Legislature may authorize the trial of civil causes by a jury of six persons when the matter in dispute does not exceed fifty dollars. The Legislature may provide that in any civil cause a verdict may be rendered by not less than five-sixths of the jury. The Legislature may authorize the trial of the issue of mental incompetency without a jury.

The "grand jury" may decide that sufficient evidence exists to warrant a trial by jury. This clause guarantees the accused this trial by the regular or "trial jury" to determine his innocence or guilt.

The right of a trial by jury has come to us through many centuries of English law. It means that the twelve men of a jury must all agree before a decision is given. Do you see how this protects the accused?

The Legislature may authorize a trial of the persons involved in a civil suit by a jury of six persons when the matter in dispute does not exceed fifty dollars. Five of the six jurors must agree on the verdict. Do you know the difference between a civil and a criminal case?

**Rights of the Accused**

10. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel in his defense.

If a man is charged with a crime the constitution gives him certain protection. He is entitled to a fair trial. He must know exactly what he is accused of doing and whatever the witnesses say must be said in the open. He has a right to have a lawyer defend him. If he is poor the judge will provide him with a lawyer. All these rules protect him against an unfair charge.

11. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by

sufficient sureties, except for capital offenses when the proof is evident or presumption great.

Notice that if a man is acquitted he may not be tried again for the same offense. An accused man waiting for trial is allowed to leave the jail if he or his friends are willing to put up money or property as "bail" to guarantee that he will appear at the trial. In some cases the accused may not be released.

**Freedom from Excessive Fines and Punishment**

12. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

Here the citizen is protected against cruelty, unreasonable fines, and heavy bail. If you were arrested for a small offense and the judge fixed the bail at a high amount, do you see how much trouble that would cause you?

**No Imprisonment for Debt**

13. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall a person be imprisoned for a militia fine in time of peace.

It was necessary to put this clause into the constitution because in former times many people were thrown into prison for debts, sometimes very small ones. Of course a person can be punished for trying to avoid paying a debt by dishonest methods.

**Habeas Corpus**

14. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

Habeas corpus, a Latin phrase, means "you may have the body." Suppose you are charged with a crime, put in jail, and left there. Your lawyer may apply to a judge to issue an order to have you brought to court to see if there is any good reason to keep you in prison. This protects you from an unjust imprisonment. This privilege cannot be taken away except in time of rebellion or invasion.

**Freedom from Military Power**

15. The military shall be in strict subordination to the civil power.

16. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in a manner prescribed by law.

Military government is autocratic, so our forefathers saw that the government set up by the vote of the people must have the final power. Even in time of war things must be done according to law in order that people may not be imposed on.

**Treason**

17. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Notice that this definition of treason against the state is the same as that of treason against the United States given in Article III, Section III, of the Constitution of the United States. A man may suggest changes in his government without being a traitor but if he actually makes war on the established government he has committed treason.

**Right to Assemble and Petition**

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

This clause is like the one about freedom of speech. It protects people who wish to have peaceful meetings even though they may not agree with the government. If they do not use force, people should have the right to discuss matters and to send petitions to their governing officers. This is one of the corner stones of democratic government.

**Right to Organize and Bargain Collectively**

19. Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing.

This clause did not appear in the former constitutions. The present constitution protects people in their right to organize, or form unions. It guarantees to these organizations and to their employers, private or public, the right to talk over their problems. Do you think a man has a better chance of solving his problems if he discusses them with those who have the power to help him?

Payment for Private Property

20. Private property shall not be taken for public use without just compensation. Individuals or private corporations shall not be authorized to take private property for public use without just compensation first made to the owners.

If the state desires land and cannot agree with the owner on the price, the land can be "condemned." This means that commissioners are appointed to value the land and give the owner a fair price. If the state authorizes individuals or private companies to take private property for public use, it must see that the owners get a fair price.

Saving Clause

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

This means that by stating these rights the people do not give up all other rights. Other rights may be recognized as just, even though not written in the constitution. Do you see that the makers of the constitution constantly had in mind protecting the people against oppression?

## ARTICLE II

### ELECTIONS AND SUFFRAGE

Elections

1. General elections shall be held annually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor and members of the Legislature shall be chosen at general elections. Local elective officers shall be chosen at general elections or at such other times as shall be provided by law.

2. All questions submitted to the people of the entire State shall be voted upon at general elections.

The first of these clauses fixes the annual election day. Notice that the legislature has the power to change the date of election if it desires to do so.

The second clause states that the people of the state may vote on general questions (such as the acceptance or rejection of a change in the constitution) as well as for candidates for office.

Suffrage

3. Every citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people.

In order to vote in New Jersey a person must be—

a) a citizen of the United States
b) twenty-one years of age
c) a resident of the state for one year
d) a resident of the county in which he votes for five months.

4. In time of war no elector in the military service of the State or in the armed forces of the United States shall be deprived of his vote by reason of absence from his election district. The Legislature may provide for absentee voting by members of the armed forces of the United States in time of peace. The Legislature may provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

5. No person in the military, naval or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

6. No idiot or insane person shall enjoy the right of suffrage.

7. The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.

## ARTICLE III

### DISTRIBUTION OF THE POWERS OF GOVERNMENT

**Departments of Government**

1. The powers of the government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution.

Notice how this division of the duties of government into three departments follows the plan of the national government. Thus we have the legislative (law making), executive (law enforcing), and judicial (law interpreting) departments. The departments are not to interfere one with another. If each does its own work there will be no confusion and the government will run smoothly.

## ARTICLE IV

### LEGISLATIVE

### SECTION I

**The Legislature**

1. The legislative power shall be vested in a Senate and General Assembly.

There are two branches in the legislature just as there are in Congress. Notice that one is called the senate and the other the general assembly.

**Qualifications**

2. No person shall be a member of the Senate who shall not have attained the age of thirty years, and have been a citizen and resident of the State for four years, and of the county for which he shall be elected one year, next before his election. No person shall be a member of the General Assembly who shall not have attained the age of twenty-one years, and have been a citizen and resident of the State for two years, and of the county for which he shall be elected one year, next before his election. No person shall be eligible for membership in the Legislature unless he be entitled to the right of suffrage.

Members of the legislature must be legal voters. In addition to this they must have the following qualifications:

| | Senate | General Assembly |
|---|---|---|
| Age........................ | 30 years | 21 years |
| Citizen and inhabitant of state | 4 years | 2 years |
| Citizen and inhabitant of county | 1 year | 1 year |

**Sessions**

3. The Senate and General Assembly shall meet and organize separately at noon on the second Tuesday in January of each year, at which time the legislative year shall commence.

**Special Sessions**

4. Special sessions of the Legislature shall be called by the Governor upon petition of a majority of all the members of each house and may be called by the Governor whenever in his opinion the public interest shall require.

### SECTION II

**The Senate**

1. The Senate shall be composed of one Senator from each county, elected by the legally qualified voters of the county, for a term beginning at noon of the second Tuesday in January next following his election and ending at noon of the second Tuesday in January four years thereafter.

One senator from each county makes a senate of 21 members. Senators are elected for a term of four years.

**How Classified**

2. The members of the Senate shall be elected in two classes so that, as nearly as may be, one-half of all the members shall be elected biennially.

This clause was put in so that the seats of one-half of the senators would be vacant every other year. Thus, at any session there will be a desirable balance of experienced senators and inexperienced senators.

### SECTION III

**The General Assembly**

1. The General Assembly shall be composed of members elected biennially by the legally qualified voters of the counties, respectively, for terms beginning at noon of the second Tuesday in January next following their election and ending at noon of the second Tuesday in January two years thereafter. The members of the General Assembly shall be apportioned among

the several counties as nearly as may be according to the number of their inhabitants, but each county shall at all times be entitled to one member and the whole number of members shall never exceed sixty. The present apportionment shall continue until the next census of the United States shall have been taken. Apportionment of the members of the General Assembly shall be made by the Legislature at the first session after the next and every subsequent census, and each apportionment when made shall remain unaltered until the following census shall have been taken.

Each county elects members to the general assembly according to its population. This apportionment has to be made over after each decade when the United States census is taken. What is the present representation in the General Assembly?

| County | | County | | County | |
|---|---|---|---|---|---|
| Atlantic | — | Gloucester | — | Ocean | — |
| Bergen | — | Hudson | — | Passaic | — |
| Burlington | — | Hunterdon | — | Salem | — |
| Camden | — | Mercer | — | Somerset | — |
| Cape May | — | Middlesex | — | Sussex | — |
| Cumberland | — | Monmouth | — | Union | — |
| Essex | — | Morris | — | Warren | — |
| Total | | | | | — |

## SECTION IV

**Vacancies**

1. Any vacancy in the Legislature occasioned by death, resignation or otherwise shall be filled by election for the unexpired term only, as may be provided by law. Each house shall direct a writ of election to fill any vacancy in its membership; but if the vacancy shall occur during a recess of the Legislature, the writ may be issued by the Governor, as may be provided by law.

This clause provides for the election of a member of the legislature to fill a vacancy.

**Power to Decide Elections Quorum**

2. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of all its members shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

If an election were disputed, each house in the legislature has power to decide who has been legally elected. A majority is one more than half the number of members and this majority must be present to make a quorum and conduct business.

**Officers and Rules**

3. Each house shall choose its own officers, determine the rules of its proceedings, and punish its members for disorderly behavior. It may expel a member with the concurrence of two-thirds of all its members.

Here, each house is given power to organize and discipline itself.

**Records**

4. Each house shall keep a journal of its proceedings, and from time to time publish the same. The yeas and nays of the members of either house on any question shall, on demand of one-fifth of those present, be entered on the journal.

Any citizen can find out what goes on in the legislature by reading the official Journal. A member's vote on any question is recorded if one-fifth of those present request. Thus his vote is a matter of permanent record.

**Adjournments**

5. Neither house, during the session of the Legislature, shall, without the consent of the other, adjourn for more than three days, or to any other place than that in which the two houses shall be sitting.

This clause makes it impossible for one house to adjourn for an indefinite period and thus hold up public business.

**Reading of Bills**

6. All bills and joint resolutions shall be read three times in each house before final passage. No bill or joint resolution shall be read a third time in either house until after the intervention of one full calendar day following the day of the second reading; but if either house shall resolve by vote of three-

fourths of all its members, signified by yeas and nays entered on the journal, that a bill or joint resolution is an emergency measure, it may proceed forthwith from second to third reading. No bill or joint resolution shall pass, unless there shall be a majority of all the members of each body personally present and agreeing thereto, and the yeas and nays of the members voting on such final passage shall be entered on the journal.

You often hear that a bill has had its first reading, its second reading, or its third reading. This shows you how far along the bill has gone. Notice that in final passage the vote of every member is recorded. A majority of the entire membership must vote favorably on a bill before it can be considered passed. Can you think of an example of an emergency bill which would have its third reading before a full calendar day had passed since the second reading?

**Salary**

7. Members of the Senate and General Assembly shall receive annually, during the term for which they shall have been elected and while they shall hold their office, such compensation as shall, from time to time, be fixed by law and no other allowance or emolument, directly or indirectly, for any purpose whatever. The President of the Senate and the Speaker of the General Assembly, each by virtue of his office, shall receive an additional allowance, equal to one-third of his compensation as a member.

8. The compensation of members of the Senate and General Assembly shall be fixed at the first session of the Legislature held after this Constitution takes effect, and may be increased or decreased by law from time to time thereafter, but no increase or decrease shall be effective until the legislative year following the next general election for members of the General Assembly.

The state does not pay high salaries to the members of the legislature. This is one way by which a citizen can serve his state. Men consider it an honor to be selected for such service.

**Privileges of Members**

9. Members of the Senate and General Assembly shall, in all cases except treason and high misdemeanor, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same; and for any statement, speech or debate in either house or at any meeting of a legislative committee, they shall not be questioned in any other place.

Except for serious offenses members of the legislature are free from arrest. Likewise they are free to express their opinions in the legislature without fear. Notice how much is said in the constitution to protect the freedom of people to speak and work peacefully for what they think is right.

### Section V

**Appointment to Office**

1. No member of the Senate or General Assembly, during the term for which he shall have been elected, shall be nominated, elected or appointed to any State civil office or position, of profit, which shall have been created by law, or the emoluments whereof shall have been increased by law, during such term. The provisions of this paragraph shall not prohibit the election of any person as Governor or as a member of the Senate or General Assembly.

This is a wise clause because it makes it impossible for members of the legislature to secure positions for themselves or to raise the salary of a position for later advantage to themselves.

2. The Legislature may appoint any commission, committee or other body whose main purpose is to aid or assist it in performing its functions. Members of the Legislature may be appointed to serve on any such body.

This clause allows the legislature to create the necessary organizations in order to carry out its duties more efficiently.

**Vacation of Seat**

3. If any member of the Legislature shall become a member of Congress or shall accept any Federal or State office or position, of profit, his seat shall thereupon become vacant.

A person could not give proper attention to work in both the national and state governments, so this is a wise clause.

**People Not Eligible to the Legislature**

4. No member of Congress, no person holding any Federal or State office or position, of profit, and no judge of any court shall be entitled to a seat in the Legislature.

Again we note the intention of keeping people from holding executive or judicial offices or federal positions and at the same time being a member of the legislature. The legislature must be free to regulate the conditions under which the officials of the other departments work.

**Appointment Power**

5. Neither the Legislature nor either house thereof shall elect or appoint any executive, administrative or judicial officer except the State Auditor.

The State Auditor is the official who examines the financial accounts of the various agencies of the government. The practice of giving control of the finances of the state to the legislature has its beginnings in colonial history. Do you know how the appointments to the other offices are made?

### SECTION VI

**Revenue Bills**

1. All bills for raising revenue shall originate in the General Assembly; but the Senate may propose or concur with amendments, as on other bills.

Just as in the national government, revenue bills must start in the lower house. Of course, the senate may amend a revenue bill and ask the assembly to approve its amendments.

**Zoning Ordinances**

2. The Legislature may enact general laws under which municipalities, other than counties, may adopt zoning ordinances limiting and restricting to specified districts and regulating therein, buildings and structures, according to their construction, and the nature and extent of their use, and the nature and extent of the uses of land, and the exercise of such authority shall be deemed to be within the police power of the State. Such laws shall be subject to repeal or alteration by the Legislature.

The purpose of this clause is to allow the legislature to make laws which will in turn, enable cities and other municipalities to make zoning districts. These districts are necessary so that an area may be restricted to residences. Undesirable buildings or businesses may be excluded from this area and restricted to another area.

**Use of State Purchased Property**

3. Any agency or political subdivision of the State or any agency of a political subdivision thereof, which may be empowered to take or otherwise acquire private property for any public highway, parkway, airport, place, improvement, or use, may be authorized by law to take or otherwise acquire a fee simple absolute or any lesser interest, and may be authorized by law to take or otherwise acquire a fee simple absolute in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect the public highway, parkway, airport, place, improvement, or use; but such taking shall be with just compensation.

The state has the power to buy land it wants to use for public purposes such as for the building of a public highway. This clause says that when the state buys the property, and also land next to that property which protects it, the state may use that land for any purpose that is constitutional. The state does not have to tell the former owner for what purpose the land will be used. The state must pay a just price for this property.

### SECTION VII

**Divorce**

1. No divorce shall be granted by the Legislature.

This clause keeps the question of divorce in the hands of the courts. If the legislature could grant divorces the members would be subject to a great many bothersome pleas.

**Gambling**

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election.

This clause recognizes the evils of gambling. It also recognizes the fact that the duty of the state is to make laws that the majority of the people want. Therefore, the constitution says that if the majority of people want a specific form of gambling made legal, they must have the chance to say so by vote at a special or general election.

**Protection of the Courts**

3. The Legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

A bill of attainder is a law passed by a legislature inflicting punishment, without a court trial. An ex post facto law is a law which may be used to punish a man for something he did before the law was passed. You can see what confusion we should have if the legislature should interfere with our courts in their administration of law.

**Protection Against Inaccurate Law Making**

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. This paragraph shall not invalidate any law adopting or enacting a compilation, consolidation, revision, or rearrangement of all or parts of the statutory law.

5. No law shall be revived or amended by reference to its title only, but the act revived, or the section or sections amended, shall be inserted at length. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

All of these provisions are for the purpose of having our laws clear and accurate. Without such clauses an unwise statement which would not be noticed might be slipped into a bill. A great many bills are presented at each session of the legislature and care must be taken that each bill contains only one object. In this way business can be done more efficiently.

**Form of a Law**

6. The laws of this State shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey".

This clause provides for a uniform manner of writing the introduction to a bill.

**Special Bills**

7. No general law shall embrace any provision of a private, special or local character.

8. No private, special or local law shall be passed unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. Such notice shall be given at such time and in such manner and shall be so evidenced and the evidence thereof shall be so preserved as may be provided by law.

In these two clauses the citizens of the state are protected against those who sometimes wish to secure special legislation for their own benefit. Publicity of such bills often defeats them. Note that citizens must keep their eyes open so that the interest of the whole public will be protected.

**Laws Not to Be Passed**

9. The Legislature shall not pass any private, special or local laws:

(1) Authorizing the sale of any lands belonging in whole or in part to a minor or minors or other persons who may at the time be under any legal disability to act for themselves.
(2) Changing the law of descent.
(3) Providing for change of venue in civil or criminal causes.
(4) Selecting, drawing, summoning or empaneling grand or petit jurors.
(5) Creating, increasing or decreasing the emoluments, term or tenure rights of any public officers or employees.
(6) Relating to taxation or exemption therefrom.
(7) Providing for the management and control of free public schools.

(8) Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

(9) Granting to any corporation, association or individual the right to lay down railroad tracks.

(10) Laying out, opening, altering, constructing, maintaining and repairing roads or highways.

(11) Vacating any road, town plot, street, alley or public grounds.

(12) Appointing local officers or commissions to regulate municipal affairs.

(13) Regulating the internal affairs of municipalities formed for local government and counties, except as otherwise in this Constitution provided.

The Legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The Legislature shall pass no special act conferring corporate powers, but shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the Legislature.

This whole paragraph is for the purpose of preventing legislation which will take care of or benefit single cases. The legislature should pass general laws. Then private companies or individual interests may all be on the same basis. This makes for fairness and equality of opportunity.

**Special Bills Which May Be Passed**

10. Upon petition by the governing body of any municipal corporation formed for local government, or of any county and by vote of two-thirds of all the members of each house, the Legislature may pass private, special or local laws regulating the internal affairs of the municipality or county. The petition shall be authorized in a manner to be prescribed by general law and shall specify the general nature of the law sought to be passed. Such law shall become operative only if it is adopted by ordinance of the governing body of the municipality or county or by vote of the legally qualified voters thereof. The Legislature shall prescribe in such law or by general law the method of adopting such law, and the manner in which the ordinance of adoption may be enacted or the vote taken, as the case may be.

If a local government in town or county wishes the legislature to pass a special law applying only to its community, it may petition the legislature for the passage of the suggested bill. The bill may then be passed by the legislature, with a two-third's vote. It will be enforced when the local government adopts the new law.

**Guarantee of Local Government**

11. The provisions of this Constitution and of any law concerning municipal corporations formed for local government, or concerning counties, shall be liberally construed in their favor. The powers of counties and such municipal corporations shall include not only those granted in express terms but also those of necessary or fair implication, or incident to the powers expressly conferred, or essential thereto, and not inconsistent with or prohibited by this Constitution or by law.

This clause protects towns, cities, and counties in their right to take care of their own local affairs without interference or domination by the state government. Does this mean that local governments can pass laws that contradict provisions of either the state or federal constitutions?

### SECTION VIII

**Oaths of Office**

1. Members of the Legislature shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will faithfully discharge the duties of Senator (or member of the General Assembly) according to the best of my ability." Members-elect of the Senate or General Assembly are empowered to administer said oath or affirmation to each other.

**Oath of Officers**

2. Every officer of the Legislature shall, before he enters upon his duties, take and subscribe the following oath or affirmation: "I do solemnly promise and swear (or affirm) that I will faithfully, impartially and justly perform all the duties of the office of__________, to the best of my ability and understanding; that I will carefully preserve all records, papers, writings, or property entrusted to me for safe-keeping by virtue of my office, and make such disposition of the same as may be required by law."

Do you notice that in addition to agreeing to be a faithful supporter of his state, a member agrees to support the Constitution of the United States? Thus, we all have a double allegiance.

## ARTICLE V

### EXECUTIVE

### SECTION I

**Governor**

1. The executive power shall be vested in a Governor.

The governor is the head of the executive branch of the government.

**Qualifications**

2. The Governor shall be not less than thirty years of age, and shall have been for at least twenty years a citizen of the United States, and a resident of this State seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this State.

Notice that the governor must have been a resident of the state much longer than a member of the senate or the assembly.

**Ineligibility**

3. No member of Congress or person holding any office or position, of profit, under this State or the United States shall be Governor. If the Governor or person administering the office of Governor shall accept any other office or position, of profit under this State or the United States, his office of Governor shall thereby be vacated. No Governor shall be elected by the Legislature to any office during the term for which he shall have been elected Governor.

The governor must not hold other state or national offices. He needs to give his undivided attention to his important work.

**Election and Term of Governor**

4. The Governor shall be elected by the legally qualified voters of this State. The person receiving the greatest number of votes shall be the Governor; but if two or more shall be equal and greatest in votes, one of them shall be elected Governor by the vote of a majority of all the members of both houses in joint meeting at the regular legislative session next following the election for Governor by the people. Contested elections for the office of Governor shall be determined in such manner as may be provided by law.

5. The term of office of the Governor shall be four years, beginning at noon of the third Tuesday in January next following his election, and ending at noon of the third Tuesday in January four years thereafter. No person who has been elected Governor for two successive terms, including an unexpired term, shall again be eligible for that office until the third Tuesday in January of the fourth year following the expiration of his second successive term.

The governor is elected for a term of four years. The former constitution stated that the governor could not be a candidate for a second term in that office until three years after his first term of service. As it now stands, the governor may serve two terms in succession but must wait four years before he can run for office a third time.

**Vacancy in the Office of Governor**

6. In the event of a vacancy in the office of Governor resulting from the death, resignation or removal of a Governor in office, or the death of a Governor-elect, or from any other cause, the functions, powers, duties and emoluments of the office shall devolve upon the President of the Senate, for the time being; and in the event of his death, resignation or removal, then upon the Speaker of the General Assembly, for the time being; and in the event of his death, resignation or removal, then upon such officers and in such order of succession as may be provided by law; until a new Governor shall be elected and qualify.

7. In the event of the failure of the Governor-elect to qualify, or of the absence from the State of a Governor in office, or his inability to discharge the duties of his office, or his impeachment, the functions, powers, duties and emoluments of the office shall devolve upon the President of the Senate, for the time being; and in the event of his death, resignation, removal, absence, inability or impeachment, then upon the Speaker of the General Assembly, for the time being; and in the event of his death, resignation, removal, absence, inability or impeachment, then upon such officers and in such order of succession as may be provided by law; until the Governor-elect shall qualify, or the Governor in office shall return to the State, or shall no longer be unable to discharge the duties of the office, or shall be acquitted, as the case may be, or until a new Governor shall be elected and qualify.

8. Whenever a Governor-elect shall have failed to qualify within six months after the beginning of his term of office, or whenever for a period of six months a Governor in office, or person administering the office, shall have remained continuously absent from the State, or shall have been continuously unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. Such vacancy shall be determined by the Supreme Court upon presentment to it of a concurrent resolution declaring the ground of the vacancy, adopted by a vote of two-thirds of all the members of each house of the Legislature, and upon notice, hearing before the Court and proof of the existence of the vacancy.

9. In the event of a vacancy in the office of Governor, a Governor shall be elected to fill the unexpired term at the general election next succeeding the vacancy, unless the vacancy shall occur within sixty days immediately preceding a general election, in which case he shall be elected at the second succeeding general election; but no election to fill an unexpired term shall be held in any year in which a Governor is to be elected for a full term. A Governor elected for an unexpired term shall assume his office immediately upon his election.

These four clauses provide for the filling of the office of governor in case of death, resignation, impeachment, or any other cause. Can a governor keep his office who does not attend to his duties for any great length of time?

**Salary of the Governor**

10. The Governor shall receive for his services a salary, which shall be neither increased nor diminished during the period for which he shall have been elected.

A governor should not be able to have his salary raised while in office nor should it be decreased.

**Enforcement of Law**

11. The Governor shall take care that the laws be faithfully executed. To this end he shall have power, by appropriate action or proceeding in the courts brought in the name of the State, to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any constitutional or legislative power or duty, by any officer, department or agency of the State; but this power shall not be construed to authorize any action or proceeding against the Legislature.

Since the governor is the head of the executive, or law-enforcing body, which, you remember, is one of the three departments of government, it is his task to see that these laws are enforced. This clause gives him the power to enforce the law.

**Powers of the Governor**

12. The Governor shall communicate to the Legislature, by message at the opening of each regular session and at such other times as he may deem necessary, the condition of the State, and shall in like manner recommend such measures as he may deem desirable. He may convene the Legislature, or the Senate alone, whenever in his opinion the public interest shall require. He shall be the Commander-in-Chief of all the military and naval forces of the State. He shall grant commissions to all officers elected or appointed pursuant to this Constitution. He shall nominate and appoint, with the advice and consent of the Senate, all officers for whose election or appointment provision is not otherwise made by this Constitution or by law.

Besides seeing that laws are enforced the governor has the duty of recommending legislation and appropriations to the legislature. Notice that he is the military commander-in-chief of the state just as the President is of the nation.

**Filling Vacancies in the Legislature**

13. The Governor may fill any vacancy occurring in any office during a recess of the Legislature, appointment to which may be made by the Governor with the advice and consent of the Senate, or by the Legislature in joint meeting. An ad interim appointment so made shall expire at the end of the next regular session of the Senate, unless a successor shall be sooner appointed and qualify; and after the end of the session no ad interim appointment to the same office shall be made unless the Governor shall have submitted to the Senate a nomination to the office during the session and the Senate shall have adjourned without confirming or rejecting it. No person nominated for any office shall be eligible for an ad interim appointment to such office if the nomination shall have failed of confirmation by the Senate.

Note that when the legislature is not in session the governor may fill vacancies and thus keep the business of the state going on. But, if the senate rejects the nomination before it adjourns, the governor may not appoint the same person again. If the senate neither confirms nor rejects the nomination before adjourning, then the governor has the right to keep the vacancy filled until the next session or election. Notice that the senate has considerable control over the appointments of the governor.

**Approval of Bills**

14. (a) Every bill which shall have passed both houses shall be presented to the Governor. If he approves he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If upon reconsideration, on or after the third day following the return of the bill, two-thirds of all the members of the house of origin shall agree to pass the bill, it shall be sent, together with the objections of the Governor, to the other house, by which it shall be reconsidered and if approved by two-thirds of all the members of that house, it shall become a law; and in all such cases the votes of each house shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If a bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall become a law on the tenth day, unless the house of origin shall on that day be in adjournment. If on the tenth day the house of origin shall be in temporary adjournment in the course of a regular or special session, the bill shall become a law on the day on which the house of origin shall reconvene, unless the Governor shall on that day return the bill to that house.

(b) If on the tenth day the Legislature is in adjournment sine die, the bill shall become a law if the Governor shall sign it within forty-five days, Sundays excepted, after such adjournment. On the said forty-fifth day the bill shall become a law, notwithstanding the failure of the Governor to sign it within the period last stated, unless at or before noon of that day he shall return it with his objections to the house of origin at a special session of the Legislature which shall convene on that day, without petition or call, for the sole purpose of acting pursuant to this paragraph upon bills returned by the Governor. At such special session a bill may be reconsidered beginning on the first day, in the manner provided in this paragraph for the reconsideration of bills, and if approved upon reconsideration by two-thirds of all the members of each house, it shall become a law. The Governor, in returning with his objections a bill for reconsideration at any general or special session of the Legislature, may recommend that an amendment or amendments specified by him be made in the bill, and in such case the Legislature may amend and re-enact the bill. If a bill be so amended and re-enacted, it shall be presented again to the Governor, but shall become a law only if he shall sign it within ten days after presentation; and no bill shall be returned by the Governor a second time. A special session of the Legislature shall not be convened pursuant to this paragraph whenever the forty-fifth day, Sundays excepted, after adjournment sine die of a regular or special session shall fall on or after the last day of the legislative year in which such adjournment shall have been taken; in which event any bill not signed by the Governor within such forty-five-day period shall not become a law.

If a governor does not wish to sign a bill he sends it back to the legislature. This is called vetoing a bill. If two-thirds of both houses still vote that the bill be passed, it becomes a law over the governor's veto.

When the legislature is in session, the governor is given ten days to study the bills on his desk. If he keeps a bill ten days and does not sign it, it becomes a law on the tenth day without his signature, providing the legislature is in session. Suppose the house where the bill was first proposed is not meeting on the tenth day. Then nothing happens to the bill till the day this house resumes its session. On this day the governor may send the bill back with his veto. If the governor does not sign the bill on the day the house resumes its session the bill becomes a law without his signature. When this happens, it means that the governor probably does not want to fight the bill with his veto power; yet he does not want the records to show his approval, in the form of his signature.

The former constitution gave the governor only five days to study the bills. If the legislature was not in session on the fifth day, and the governor had not signed, the bill was considered vetoed.

The second part of this clause also contains new provisions. When the legislature is in adjournment *sine die*, no date has been set for the legislature to meet again. The governor is then given forty-five days to sign the bill. On the forty-fifth day it becomes a law whether or not he has signed the bill, unless the legislature meets that day to consider the bill. If the legislature does meet, the governor may then return the bill with his veto, and perhaps with suggestions for amendment. What happens to the bill if the forty-fifth day comes after the legislative year is over?

**Revenue Bills**

15. If any bill presented to the Governor shall contain one or more items of appropriation of money, he may object in whole or in part to any such item or items while approving the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of each item or part thereof to which he objects, and each item or part so objected to shall not take effect. A copy of such statement shall be transmitted by him to the house in which the bill originated, and each item or part thereof objected to shall be separately reconsidered. If upon reconsideration, on or after the third day following said transmittal, one or more of such items or parts thereof be approved by two-thirds of all the members of each house, the same shall become a part of the law, notwithstanding the objections of the Governor. All the provisions of the preceding paragraph in relation to bills not approved by the Governor shall apply to cases in which he shall withhold his approval from any item or items or parts thereof contained in a bill appropriating money.

This clause gives the governor the opportunity to consider revenue bills item by item. Thus he does not have to reject a bill because he does not approve of one small clause. The legislature can pass over his veto on each of these items.

### SECTION II

**Power over Pardons and Fines**

1. The Governor may grant pardons and reprieves in all cases other than impeachment and treason, and may suspend and remit fines and forfeitures. A commission or other body may be established by law to aid and advise the Governor in the exercise of executive clemency.

2. A system for the granting of parole shall be provided by law.

After the governor studies a situation and is convinced that the circumstances warrant a pardon or suspension of fines, he may grant these. The legislature may create a commission to help him decide. Paroles shall be granted on the basis of laws made by the legislature.

### SECTION III

**Military Powers**

1. Provision for organizing, inducting, training, arming, disciplining and regulating a militia shall be made by law, which

shall conform to applicable standards established for the armed forces of the United States.

2. The Governor shall nominate and appoint all general and flag officers of the militia, with the advice and consent of the Senate. All other commissioned officers of the militia shall be appointed and commissioned by the Governor according to law.

Although the governor is the military commander-in-chief of the state, the militia must be regulated according to law.

### SECTION IV

**Departments**

1. All executive and administrative offices, departments, and instrumentalities of the State government, including the offices of Secretary of State and Attorney General, and their respective functions, powers and duties, shall be allocated by law among and within not more than twenty principal departments, in such manner as to group the same according to major purposes so far as practicable. Temporary commissions for special purposes may, however, be established by law and such commissions need not be allocated within a principal department.

2. Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the Governor, with the advice and consent of the Senate, to serve at the pleasure of the Governor during his term of office and until the appointment and qualification of their successors, except as herein otherwise provided with respect to the Secretary of State and the Attorney General.

These two clauses provide the method of organization of the departments in the executive branch of the government. Since many governmental agencies are necessary in our age, care must be taken to see that they do not overlap or get buried in "red tape." Without provisions like these our democratic form of government might prove to be very inefficient.

**Appointments**

3. The Secretary of State and the Attorney General shall be nominated and appointed by the Governor with the advice and consent of the Senate to serve during the term of office of the Governor.

4. Whenever a board, commission or other body shall be the head of a principal department, the members thereof shall be nominated and appointed by the Governor with the advice and consent of the Senate, and may be removed in the manner provided by law. Such a board, commission or other body may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the Governor. Any principal executive officer so appointed shall be removable by the Governor, upon notice and an opportunity to be heard.

5. The Governor may cause an investigation to be made of the conduct in office of any officer or employee who receives his compensation from the State of New Jersey, except a member, officer or employee of the Legislature or an officer elected by the Senate and General Assembly in joint meeting, or a judicial officer. He may require such officers or employees to submit to him a written statement or statements, under oath, of such information as he may call for relating to the conduct of their respective offices or employments. After notice, the service of charges and an opportunity to be heard at public hearing the Governor may remove any such officer or employee for cause. Such officer or employee shall have the right of judicial review, on both the law and the facts, in such manner as shall be provided by law.

The governor is given the power to choose the men who will work with him. After investigation, he may dismiss those who are not performing their duties. The senate's power to approve the appointments is an example of the way in which one department (the law making) can check another (law enforcing).

**Record of Rules**

6. No rule or regulation made by any department, officer, agency or authority of this State, except such as relates to the

organization or internal management of the State government or a part thereof, shall take effect until it is filed either with the Secretary of State or in such other manner as may be provided by law. The Legislature shall provide for the prompt publication of such rules and regulations.

The records and rules of the agencies in the executive branch of the government must be kept in order. Can you imagine what would happen if records were not filed?

## ARTICLE VI

### JUDICIAL

### SECTION I

**Courts Established**

1. The judicial power shall be vested in a Supreme Court, a Superior Court, County Courts and inferior courts of limited jurisdiction. The inferior courts and their jurisdiction may from time to time be established, altered or abolished by law.

Here are listed the different courts set up in the state. The legislature decides the number of these inferior or lower courts as well as their jurisdiction (the type of case they may hear).

### SECTION II

**Supreme Court**

1. The Supreme Court shall consist of a Chief Justice and six Associate Justices. Five members of the court shall constitute a quorum. When necessary, the Chief Justice shall assign the Judge or Judges of the Superior Court, senior in service, as provided by the rules of the Supreme Court, to serve temporarily in the Supreme Court. In case the Chief Justice is absent or unable to serve, a presiding Justice designated in accordance with rules of the Supreme Court shall serve temporarily in his stead.

2. The Supreme Court shall exercise appellate jurisdiction in the last resort in all causes provided in this Constitution.

3. The Supreme Court shall make rules governing the administration of all courts in the State and, subject to law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.

This section regulates the organization and establishes the jurisdiction of the Supreme Court, which is the highest court in the state. The term "to exercise appellate jurisdiction" means to hear cases that have already been heard in lower courts whose verdicts lawyers feel are erroneous. This court thus gives a person another chance to get his case settled fairly. The decisions of this court are final for all cases under state jurisdiction.

### SECTION III

**Superior Court**

1. The Superior Court shall consist of such number of Judges as may be authorized by law, but not less than twenty-four, each of whom shall exercise the powers of the court subject to rules of the Supreme Court.

2. The Superior Court shall have original general jurisdiction throughout the State in all causes.

3. The Superior Court shall be divided into an Appellate Division, a Law Division, and a Chancery Division. Each division shall have such Parts, consist of such number of Judges, and hear such causes, as may be provided by rules of the Supreme Court.

4. Subject to rules of the Supreme Court, the Law Division and the Chancery Division shall each exercise the powers and functions of the other division when the ends of justice so require, and legal and equitable relief shall be granted in any cause so that all matters in controversy between the parties may be completely determined.

This court is the next highest in the state. Notice that the Superior Court may also hear appeals from lower courts. The Chancery Division is an interesting one. It is formed for the purpose of providing justice when the remedies prescribed by ordinary courts are not adequate.

### SECTION IV

County Courts

1. There shall be a County Court in each county, which shall have all the jurisdiction heretofore exercised by the Court of Common Pleas, Orphans' Court, Court of Oyer and Terminer, Court of Quarter Sessions, Court of Special Sessions and such other jurisdiction consistent with this Constitution as may be conferred by law.

2. There shall be a Judge of each County Court and such additional Judges as shall be provided by law, and they shall be appointed in the same manner as heretofore provided for Judges of the Court of Common Pleas.

3. Each Judge of the County Court may exercise the jurisdiction of the County Court.

4. The jurisdiction, powers and functions of the County Courts and of the Judges of the County Courts may be altered by law as the public good may require.

5. The County Courts, in civil causes including probate causes, within their jurisdiction, and subject to law, may grant legal and equitable relief so that all matters in controversy between the parties may be completely determined.

This section provides for the organization and jurisdiction of the county courts. These provisions simplify the state judicial system. These county courts now have jurisdiction over cases involving personal disputes, accidents, estates (the property left when a person dies), and criminal offenses. Under the former constitution there were special courts for each different type of case. Is the legislature given the power to change the function of these courts in order to meet changing needs?

### SECTION V

Appeals

1. Appeals may be taken to the Supreme Court:
   - (a) In causes determined by the Appellate Division of the Superior Court involving a question arising under the Constitution of the United States or this State;

   - (b) In causes where there is a dissent in the Appellate Division of the Superior Court;
   - (c) In capital causes;
   - (d) On certification by the Supreme Court to the Superior Court and, where provided by rules of the Supreme Court, to the County Courts and the inferior courts; and
   - (e) In such causes as may be provided by law.

2. Appeals may be taken to the Appellate Division of the Superior Court from the Law and Chancery Divisions of the Superior Court, the County Courts and in such other causes as may be provided by law.

3. The Supreme Court and the Appellate Division of the Superior Court may exercise such original jurisdiction as may be necessary to the complete determination of any cause on review.

4. Prerogative writs are superseded and, in lieu thereof, review, hearing and relief shall be afforded in the Superior Court, on terms and in the manner provided by rules of the Supreme Court, as of right, except in criminal causes where such review shall be discretionary.

The types of cases which can be appealed to the Supreme Court or the Appellate Division of the Superior Court are described in this section. What state court can consider cases which involve interpretation of the state or federal constitutions?

### SECTION VI

Appointments

1. The Governor shall nominate and appoint, with the advice and consent of the Senate, the Chief Justice and Associate Justices of the Supreme Court, the Judges of the Superior Court, the Judges of the County Courts and the judges of the inferior courts with jurisdiction extending to more than one municipality. No nomination to such an office shall be sent to the Senate for confirmation until after seven days' public notice by the Governor.

**Qualifications**

2. The Justices of the Supreme Court, the Judges of the Superior Court and the Judges of the County Courts shall each prior to his appointment have been admitted to the practice of the law in this State for at least ten years.

The justices of the Supreme Court and the judges of the Superior and County Courts are all appointed by the governor. Of course the senate must approve these appointments. By having these justices and judges appointed, they are removed from the necessity of making campaigns for votes. Why is this a good practice?

**Terms**

3. The Justices of the Supreme Court and the Judges of the Superior Court shall hold their offices for initial terms of seven years and upon reappointment shall hold their offices during good behavior. Such Justices and Judges shall be retired upon attaining the age of seventy years. Provisions for the pensioning of the Justices of the Supreme Court and the Judges of the Superior Court shall be made by law.

**Removal from Office**

4. The Justices of the Supreme Court, the Judges of the Superior Court and the Judges of the County Courts shall be subject to impeachment, and any judicial officer impeached shall not exercise his office until acquitted. The Judges of the Superior Court and the Judges of the County Courts shall also be subject to removal from office by the Supreme Court for such causes and in such manner as shall be provided by law.

5. Whenever the Supreme Court shall certify to the Governor that it appears that any Justice of the Supreme Court, Judge of the Superior Court or Judge of the County Court is so incapacitated as substantially to prevent him from performing his judicial duties, the Governor shall appoint a commission of three persons to inquire into the circumstances; and, on their recommendation, the Governor may retire the Justice or Judge from office, on pension as may be provided by law.

These justices and judges have what we might consider a "trial" term of seven years. If reappointed they hold their office until they are seventy years old unless their conduct does not fit their office. If this is the case they may be removed from office after impeachment and trial by the senate. In some cases a judge or justice may be removed from office by the action of the governor.

**Salaries**

6. The Justices of the Supreme Court and the Judges of the Superior Court shall receive for their services such salaries as may be provided by law, which shall not be diminished during the term of their appointment. They shall not, while in office, engage in the practice of law or other gainful pursuit.

7. The Justices of the Supreme Court, the Judges of the Superior Court and the Judges of the County Courts shall hold no other office or position, of profit, under this State or the United States. Any such Justice or Judge who shall become a candidate for an elective public office shall thereby forfeit his judicial office.

Like the members of the legislative and executive departments, the judiciary are expected to give their undivided time to the duties of their office.

### SECTION VII

**Administration**

1. The Chief Justice of the Supreme Court shall be the administrative head of all the courts in the State. He shall appoint an Administrative Director to serve at his pleasure.

2. The Chief Justice of the Supreme Court shall assign Judges of the Superior Court to the Divisions and Parts of the Superior Court, and may from time to time transfer Judges from one assignment to another, as need appears. Assignments to the Appellate Division shall be for terms fixed by rules of the Supreme Court.

3. The Clerk of the Supreme Court and the Clerk of the Superior Court shall be appointed by the Supreme Court for such terms and at such compensation as shall be provided by law.

This section makes the Chief Justice of the Supreme Court the manager of the courts. Can you see why the courts would need a manager or organizer?

## ARTICLE VII

### PUBLIC OFFICERS AND EMPLOYEES

### SECTION I

Appointment and Terms

1. Every State officer, before entering upon the duties of his office, shall take and subscribe an oath or affirmation to support the Constitution of this State and of the United States and to perform the duties of his office faithfully, impartially and justly to the best of his ability.

2. Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive; except that preference in appointments by reason of active service in any branch of the military or naval forces of the United States in time of war may be provided by law.

3. Any compensation for services or any fees received by any person by virtue of an appointive State office or position, in addition to the annual salary provided for the office or position, shall immediately upon receipt be paid into the treasury of the State, unless the compensation or fees shall be allowed or appropriated to him by law.

4. Any person before or after entering upon the duties of any public office, position or employment in this State may be required to give bond as may be provided by law.

5. The term of office of all officers elected or appointed pursuant to the provisions of this Constitution, except as herein otherwise provided, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

6. The State Auditor shall be appointed by the Senate and General Assembly in joint meeting for a term of five years and until his successor shall be appointed and qualify. It shall be his duty to conduct post-audits of all transactions and accounts kept by or for all departments, offices, and agencies of the State government, to report to the Legislature or to any committee thereof as shall be required by law, and to perform such other similar or related duties as shall, from time to time, be required of him by law.

This section is concerned with the filling of our public offices. We see, here, provisions pertaining to a civil service system. This means that our state public officials, with the exception of the members of the legislature, the governor and the judiciary and others specifically mentioned in the constitution, will be chosen on the basis of their worth or fitness for the office rather than for their party loyalties.

### SECTION II

1. County prosecutors shall be nominated and appointed by the Governor with the advice and consent of the Senate. Their term of office shall be five years, and they shall serve until the appointment and qualification of their respective successors.

County Prosecutors

2. County clerks, surrogates and sheriffs shall be elected by the people of their respective counties at general elections. The term of office of county clerks and surrogates shall be five years, and of sheriffs three years. Whenever a vacancy shall occur in any such office it shall be filled in the manner to be provided by law.

County Clerks, Surrogates, Sheriffs

County prosecutors, who protect the state from violators of its laws, are appointed by the governor. The county officers, on the other hand, are elected by the people of the county. The county clerk has a number of duties connected with keeping the records of the business of the county. The surrogate deals with probating wills and the settlement of estates.

### SECTION III

1. The Governor and all other State officers, while in office and for two years thereafter, shall be liable to impeachment for misdemeanor committed during their respective continuance in office.

Impeachment

2. The General Assembly shall have the sole power of impeachment by vote of a majority of all the members. All impeachments shall be tried by the Senate, and members, when sitting for that purpose, shall be on oath or affirmation "truly and impartially to try and determine the charge in question according to the evidence." No person shall be convicted without the concurrence of two-thirds of all the members of the Senate. When the Governor is tried, the Chief Justice of the Supreme Court shall preside and the President of the Senate shall not participate in the trial.

3. Judgment in cases of impeachment shall not extend further than to removal from office, and to disqualification to hold and enjoy any public office of honor, profit or trust in this State; but the person convicted shall nevertheless be liable to indictment, trial and punishment according to law.

Do you see that in a case of impeachment the assembly votes first to have the case tried? Then the senate sits as a "court" to try the case. Anyone found guilty of misconduct in office may be removed from office but may not be fined or imprisoned unless the case is carried to an ordinary court of law.

## ARTICLE VIII

### TAXATION AND FINANCE

### SECTION I

**Assessments**

1. Property shall be assessed for taxation under general laws and by uniform rules. All real property assessed and taxed locally or by the State for allotment and payment to taxing districts shall be assessed according to the same standard of value; and such real property shall be taxed at the general tax rate of the taxing district in which the property is situated, for the use of such taxing district.

To obtain the money necessary for carrying on its business the state taxes the property of its citizens. Those citizens who have more valuable property must pay more to the state than those whose property is not worth as much, for our government levies taxes according to the ability of its citizens to pay. The standards by which the value is determined must be uniform, or the same for all citizens in all parts of the state.

**Exemptions**

2. Exemption from taxation may be granted only by general laws. Until otherwise provided by law all exemptions from taxation validly granted and now in existence shall be continued. Exemptions from taxation may be altered or repealed, except those exempting real and personal property used exclusively for religious, educational, charitable or cemetery purposes, as defined by law, and owned by any corporation or association organized and conducted exclusively for one or more of such purposes and not operating for profit.

3. Any citizen and resident of this State now or hereafter honorably discharged or released under honorable circumstances from active service in time of war in any branch of the armed forces of the United States, shall be exempt from taxation on real and personal property to an aggregate assessed valuation not exceeding five hundred dollars, which exemption shall not be altered or repealed. Any person hereinabove described who has been or shall be declared by the United States Veterans Administration, or its successor, to have a service-connected disability, shall be entitled to such further exemption from taxation as from time to time may be provided by law. The widow of any citizen and resident of this State who has met or shall meet his death on active duty in time of war in any such service shall be entitled, during her widowhood, to the exemption in this paragraph provided for honorably discharged veterans and to such further exemption as from time to time may be provided by law.

The state cannot pass a law exempting a particular person from taxation. Instead, the law must apply to all persons in a particular position. Notice that churches, schools, and charities do not have to pay taxes. Why would a wise government exempt these institutions? Exemptions, with certain limitations, are also provided for veterans and widows of veterans of our armed forces.

### SECTION II

**Protection of the State's Money**

1. The credit of the State shall not be directly or indirectly loaned in any case.

2. No money shall be drawn from the State treasury but for appropriations made by law. All moneys for the support of the State government and for all other State purposes as far as can be ascertained or reasonably foreseen, shall be provided for in one general appropriation law covering one and the same fiscal year; except that when a change in the fiscal year is made, necessary provision may be made to effect the transition. No general appropriation law or other law appropriating money for any State purpose shall be enacted if the appropriation contained therein, together with all prior appropriations made for the same fiscal period, shall exceed the total amount of revenue on hand and anticipated which will be available to meet such appropriations during such fiscal period, as certified by the Governor.

The first clause prevents the use of the credit of the state for any private interest. The second clause, first of all, prevents anyone from getting money from the state unless the payment has been authorized by the legislature. In addition, it states that a balanced budget must be maintained. During the fiscal year the state may not spend more money than it has on hand.

**Creation of Debt**

3. The Legislature shall not, in any manner, create in any fiscal year a debt or debts, liability or liabilities of the State, which together with any previous debts or liabilities shall exceed at any time one per centum of the total amount appropriated by the general appropriation law for that fiscal year, unless the same shall be authorized by a law for some single object or work distinctly specified therein. Regardless of any limitation relating to taxation in this Constitution, such law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal thereof within thirty-five years from the time it is contracted; and the law shall not be repealed until such debt or liability and the interest thereon are fully paid and discharged. No such law shall take effect until it shall have been submitted to the people at a general election and approved by a majority of the legally qualified voters of the State voting thereon. All money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This paragraph shall not be construed to refer to any money that has been or may be deposited with this State by the government of the United States. Nor shall anything in this paragraph contained apply to the creation of any debts or liabilities for purposes of war, or to repel invasion, or to suppress insurrection or to meet an emergency caused by disaster or act of God.

Do you see how this clause makes it necessary for the people to approve the expenditure of large sums of money? Bond issues for roads or bridges, for example, must be voted by the people. It is wise also to provide that provisions for paying debts within thirty-five years must be made. Debts should be paid as promptly as possible.

### SECTION III

**Public Improvements**

1. The clearance, replanning, development or redevelopment of blighted areas shall be a public purpose and public use, for which private property may be taken or acquired. Municipal, public or private corporations may be authorized by law to undertake such clearance, replanning, development or redevelopment; and improvements made for these purposes and uses, or for any of them, may be exempted from taxation, in whole or in part, for a limited period of time during which the profits of and dividends payable by any private corporation enjoying such tax exemption shall be limited by law. The conditions of use, ownership, management and control of such improvements shall be regulated by law.

This clause helps groups to improve blighted areas of the state such as slum districts by allowing them to buy the private property in the area. They also may spend money on improvements that would otherwise be paid in taxes.

**Restrictions on Use of Public Funds**

2. No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become security for, or be directly or indirectly the owner of, any stock or bonds of any association or corporation.

3. No donation of land or appropriation of money shall be made by the State or any county or municipal corporation to or for the use of any society, association or corporation whatever.

If the government were allowed to become a businessman who loaned money to or acquired ownership of private enterprise, the people might become dependent on either the government or the particular associations the government favored. Thus these clauses help us to preserve our independence.

### SECTION IV

**Public Schools**

1. The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.

2. The fund for the support of free public schools, and all money, stock and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of free public schools, for the equal benefit of all the people of the State; and it shall not be competent for the Legislature to borrow, appropriate or use the said fund or any part thereof for any other purpose, under any pretense whatever.

3. The Legislature may, within reasonable limitations as to distance to be prescribed, provide for the transportation of children within the ages of five to eighteen years inclusive to and from any school.

This is a very important section because it makes the state responsible for providing education for all children between five and eighteen years of age. You will notice also that it protects all school money so that it cannot be used for other purposes.

## ARTICLE IX

### AMENDMENTS

**How the Constitution May Be Amended**

1. Any specific amendment or amendments to this Constitution may be proposed in the Senate or General Assembly. At least twenty calendar days prior to the first vote thereon in the house in which such amendment or amendments are first introduced, the same shall be printed and placed on the desks of the members of each house. Thereafter and prior to such vote a public hearing shall be held thereon. If the proposed amendment or amendments or any of them shall be agreed to by three-fifths of all the members of each of the respective houses, the same shall be submitted to the people. If the same or any of them shall be agreed to by less than three-fifths but nevertheless by a majority of all the members of each of the respective houses, such proposed amendment or amendments shall be referred to the Legislature in the next legislative year; and if in that year the same or any of them shall be agreed to by a majority of all the members of each of the respective houses, then such amendment or amendments shall be submitted to the people.

2. The proposed amendment or amendments shall be entered on the journal of each house with the yeas and nays of the members voting thereon.

3. The Legislature shall cause the proposed amendment or amendments to be published at least once in one or more newspapers of each county, if any be published therein, not less than three months prior to submission to the people.

4. The proposed amendment or amendments shall then be submitted to the people at the next general election in the manner and form provided by the Legislature.

5. If more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly.

6. If the proposed amendment or amendments or any of them shall be approved by a majority of the legally qualified voters of the State voting thereon, the same shall become part of the Constitution on the thirtieth day after the election, unless otherwise provided in the amendment or amendments.

7. If at the election a proposed amendment shall not be approved, neither such proposed amendment nor one to effect the same or substantially the same change in the Constitution shall be submitted to the people before the third general election thereafter.

The makers of the constitution realized that changes of life and of ideas might make it necessary to amend the constitution. On the other hand they thought that amendments should be well thought out and not too easy to make. Notice the number of steps that must be taken before an amendment can be passed. It must be passed by both houses of the legislature; in one session if three-fifths agree, or in two sessions if a majority are in favor. It must have publicity. Even after that it must be passed by a majority of the voters at a special election. All amendments must be kept separate so that there will be no confusion. Then if an amendment fails, three years must pass before it is presented again.

## ARTICLE X

### GENERAL PROVISIONS

**Seal of the State**

1. The seal of the State shall be kept by the Governor, or person administering the office of Governor, and used by him officially, and shall be called the Great Seal of the State of New Jersey.

2. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the Great Seal, signed by the Governor, or person administering the office of Governor, and countersigned by the Secretary of State, and shall run thus: "The State of New Jersey, to............., Greeting."

The seal of the state must be stamped on certain documents before they are valid. Notice that the governor is responsible for keeping this seal.

**Writs and Indictments**

3. All writs shall be in the name of the State. All indictments shall conclude: "against the peace of this State, the government and dignity of the same."

See if you can find out what writs and indictments are.

**Interpretation For Both Sexes**

4. Wherever in this Constitution the term "person," "persons," "people" or any personal pronoun is used, the same shall be taken to include both sexes.

**Date of Operation of Constitution**

5. Except as herein otherwise provided, this Constitution shall take effect on the first day of January in the year of our Lord one thousand nine hundred and forty-eight.

This provision was necessary in order to abolish the old constitution on a given date.

## ARTICLE XI

### SCHEDULE

### SECTION I

**Schedule for Change of Government From the Old Constitution of 1844 to the New One of 1948**

1. This Constitution shall supersede the Constitution of one thousand eight hundred and forty-four as amended.

2. The Legislature shall enact all laws necessary to make this Constitution fully effective.

3. All law, statutory and otherwise, all rules and regulations of administrative bodies and all rules of courts in force at the time this Constitution or any Article thereof takes effect shall remain in full force until they expire or are superseded, altered or repealed by this Constitution or otherwise.

4. Except as otherwise provided by this Constitution, all writs, actions, judgments, decrees, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the State, and all charters and franchises shall continue unaffected notwithstanding the taking effect of any Article of this Constitution.

5. All indictments found before the taking effect of this Constitution or any Article may be proceeded upon. After the taking effect thereof, indictments for crime and complaints for offenses committed prior thereto may be found, made and proceeded upon in the courts having jurisdiction thereof.

### SECTION II

1. The first Legislature under this Constitution shall meet on the second Tuesday in January, in the year one thousand nine hundred and forty-eight.

2. Each member of the General Assembly, elected at the election in the year one thousand nine hundred and forty-seven, shall hold office for a term beginning at noon of the second Tuesday in January in the year one thousand nine hundred and forty-eight and ending at noon of the second Tuesday in January in the year one thousand nine hundred and fifty. Each member of the General Assembly elected thereafter shall hold office for the term provided by this Constitution.

3. Each member of the Senate elected in the years one thousand nine hundred and forty-five and one thousand nine hundred and forty-six shall hold office for the term for which he was elected. Each member of the Senate elected in the year one thousand nine hundred and forty-seven shall hold office for a term of four years beginning at noon of the second Tuesday in January following his election. The seats in the Senate which would have been filled in the years hereinafter designated had this Constitution not been adopted shall be filled by election as follows: of those seats which would have been filled by election in the year one thousand nine hundred and forty-eight, three seats, as chosen by the Senate in the year one thousand nine hundred and forty-eight, shall be filled by election in that year for terms of five years, and three, as so chosen, shall be filled by election in that year for terms of three years, and those seats which would have been filled by election in the year one thousand nine hundred and forty-nine shall be filled by election in that year for terms of four years, so that eleven seats in the Senate shall be filled by election in the year one thousand nine hundred and fifty-one and every fourth year thereafter for terms of four years, and the members of the Senate so elected and their successors shall constitute one class to be elected as prescribed in paragraph 2, Section II of Article IV of this Constitution, and ten seats shall be filled by election in the year one thousand nine hundred and fifty-three and every fourth year thereafter for terms of four years, and the members of the Senate so elected and their successors shall constitute the other class to be elected as prescribed in said paragraph of this Constitution.

4. The provisions of Paragraph I of Section V of Article IV of this Constitution shall not prohibit the nomination, election or appointment of any member of the Senate or General Assembly first organized under this Constitution, to any State civil office or position created by this Constitution or created during his first term as such member.

### SECTION III

1. A Governor shall be elected for a full term at the general election to be held in the year one thousand nine hundred and forty-nine and every fourth year thereafter.

2. The taking effect of this Constitution or any provision thereof shall not of itself affect the tenure, term, status or compensation of any person then holding any public office, position or employment in this State, except as provided in this Constitution. Unless otherwise specifically provided in this Constitution, all constitutional officers in office at the time of its adoption shall continue to exercise the authority of their respective offices during the term for which they shall have been elected or appointed and until the qualification of their successors respectively. Upon the taking effect of this Constitution all officers of the militia shall retain their commissions subject to the provisions of Article V, Section III.

3. The Legislature, in compliance with the provisions of this Constitution, shall prior to the first day of July, one thousand nine hundred and forty-nine, and may from time to time thereafter, allocate by law the executive and administrative offices, departments and instrumentalities of the State government among and within the principal departments. If such allocation shall not have been completed within the time limited, the Governor shall call a special session of the Legislature to which he shall submit a plan or plans for consideration to complete such allocation; and no other matters shall be considered at such session.

### SECTION IV

1. Subsequent to the adoption of this Constitution the Governor shall nominate and appoint, with the advice and consent of the Senate, a Chief Justice and six Associate Justices of the new Supreme Court from among the persons then being the Chancellor, the Chief Justice and Associate Justices of the old Supreme Court, the Vice Chancellors and Circuit Court Judges. The remaining judicial officers enumerated and such Judges of the Court of Errors and Appeals as have been admitted to the practice of law in this State for at least ten years, and are in office on the adoption of the Constitution, shall constitute the Judges of the Superior Court. The Justices of the new Supreme Court and the Judges of the Superior Court so designated shall hold office each for the period of his term which remains unexpired at the time the Constitution is adopted; and if reappointed he shall hold office during good behavior. No Justice of the new Supreme Court or Judge of the Superior Court shall hold his office after attaining the age of seventy years, except, however, that such Justice or Judge may complete the period of his term which remains unexpired at the time the Constitution is adopted.

2. The Judges of the Courts of Common Pleas shall constitute the Judges of the County Courts, each for the period of his term which remains unexpired at the time the Judicial Article of this Constitution takes effect.

3. The Court of Errors and Appeals, the present Supreme Court, the Court of Chancery, the Prerogative Court and the Circuit Courts shall be abolished when the Judicial Article of this Constitution takes effect; and all their jurisdiction, functions, powers and duties shall be transferred to and divided between the new Supreme Court and the Superior Court according as jurisdiction is vested in each of them under this Constitution.

4. Except as otherwise provided in this Constitution and until otherwise provided by law, all courts now existing in this State, other than those abolished in paragraph 3 hereof, shall continue as if this Constitution had not been adopted, provided, however, that when the Judicial Article of this Constitution takes effect, the jurisdiction, powers and functions of the Court of Common Pleas, Orphans' Court, Court of Oyer and Terminer, Court of Quarter Sessions and Court of Special Sessions of each county, the judicial officers, clerks and employees thereof, and the causes pending therein and their files, shall be transferred to the County Court of the county. All statutory provisions relating to the county courts aforementioned of each county and to the Judge or Judges thereof shall apply to the new County Court of the county and the Judge or Judges thereof, unless otherwise provided by law. Until otherwise provided by law and except as aforestated, the judicial officers, surrogates and clerks of all courts now existing, other than those abolished in paragraph 3 hereof, and the employees of said officers, clerks, surrogates and courts shall continue in the exercise of their duties, as if this Constitution had not been adopted.

5. The Supreme Court shall make rules governing the administration and practice and procedure of the County Courts; and the Chief Justice of the Supreme Court shall be the administrative head of these courts with power to assign any Judge thereof of any county to sit temporarily in the Superior Court or to sit temporarily without the county in a County Court.

6. The Advisory Masters appointed to hear matrimonial proceedings and in office on the adoption of this Constitution shall, each for the period of his term which remains unexpired at the time the Constitution is adopted, continue so to do as Advisory Masters to the Chancery Division of the Superior Court, unless otherwise provided by law.

7. All Special Masters in Chancery, Masters in Chancery, Supreme Court Commissioners and Supreme Court Examiners shall, until otherwise provided by rules of the Supreme Court, continue respectively as Special Masters, Masters, Commissioners and Examiners of the Superior Court, with appropriate similar functions and powers as if this Constitution had not been adopted.

8. When the Judicial Article of this Constitution takes effect:

(a) All causes and proceedings of whatever character pending in the Court of Errors and Appeals shall be transferred to the new Supreme Court;

(b) All causes and proceedings of whatever character pending on appeal or writ of error in the present Supreme Court and in the Prerogative Court and all pending causes involving the prerogative writs shall be transferred to the Appellate Division of the Superior Court;

(c) All causes and proceedings of whatever character pending in the Supreme Court other than those stated shall be transferred to the Superior Court;

(d) All causes and proceedings of whatever character pending in the Prerogative Court other than those stated shall be transferred to the Chancery Division of the Superior Court;

(e) All causes and proceedings of whatever character pending in all other courts which are abolished shall be transferred to the Superior Court.

For the purposes of this paragraph, paragraph 4 and paragraph 9, a cause shall be deemed to be pending notwithstanding that an adjudication has been entered therein, provided the time limited for review has not expired or the adjudication reserves to any party the right to apply for further relief.

9. The files of all causes pending in the Court of Errors and Appeals shall be delivered to the Clerk of the new Supreme Court; and the files of all causes pending in the present Supreme Court, the Court of Chancery and the Prerogative Court shall be delivered to the Clerk of the Superior Court. All other files, books, papers, records and documents and all property of the Court of Errors and Appeals, the present Supreme Court, the Prerogative Court, the Chancellor and the Court of Chancery, or in their custody, shall be disposed of as shall be provided by law.

10. Upon the taking effect of the Judicial Article of this Constitution, all the functions, powers and duties conferred by statute, rules or otherwise upon the Chancellor, the Ordinary, and the Justices and Judges of the courts abolished by this Constitution, to the extent that such functions, powers and duties are not inconsistent with this Constitution, shall be transferred to and may be exercised by Judges of the Superior Court until otherwise provided by law or rules of the new Supreme Court; excepting that such statutory powers not related to the administration of justice as are then vested in any such judicial officers shall, after the Judicial Article of this Constitution takes effect and until otherwise provided by law, be transferred to and exercised by the Chief Justice of the new Supreme Court.

11. Upon the taking effect of the Judicial Article of this Constitution, the Clerk of the Supreme Court shall become the Clerk of the new Supreme Court and shall serve as such Clerk until the expiration of the term for which he was appointed as Clerk of the Supreme Court, and all employees of the Supreme

Court as previously constituted, of the Clerk thereof and of the Chief Justice and the Justices thereof, of the Circuit Courts and the Judges thereof and of the Court of Errors and Appeals shall be transferred to appropriate similar positions with similar compensation and civil service status under the Clerk of the new Supreme Court or the new Supreme Court, or the Clerk of the Superior Court or the Superior Court, which shall be provided by law.

12. Upon the taking effect of the Judicial Article of this Constitution, the Clerk in Chancery shall become the Clerk of the Superior Court and shall serve as such Clerk until the expiration of the term for which he was appointed as Clerk in Chancery, and all employees of the Clerk in Chancery, the Court of Chancery, the Chancellor and the several Vice Chancellors shall be transferred to appropriate similar positions with similar compensation and civil service status under the Clerk of the Superior Court or the Superior Court, which shall be provided by law.

13. Appropriations made by law for judicial expenditures during the fiscal year one thousand nine hundred and forty-eight—one thousand nine hundred and forty-nine may be transferred to similar objects and purposes required by the Judicial Article.

14. The Judicial Article of this Constitution shall take effect on the fifteenth day of September, one thousand nine hundred and forty-eight, except that the Governor, with the advice and consent of the Senate, shall have the power to fill vacancies arising prior thereto in the new Supreme Court and the Superior Court; and except further that any provision of this Constitution which may require any act to be done prior thereto or in preparation therefor shall take effect immediately upon the adoption of this Constitution.

# HISTORY OF THE FLAG OF THE UNITED STATES

The Flag of the United States of America is the third oldest of the national standards of the world; older than the Union Jack of Great Britain or the Tricolor of France.

During the early days of the Revolutionary War a variety of flags were used by the different colonies and military commands. Prominent among these were the "Pine Tree" and "Rattlesnake" flags with various arrangements and mottoes.

Late in 1775 a committee of Congress with Benjamin Franklin at the head, after consulting with Washington in command of the army at Cambridge, decided upon the form for a new flag. This flag consisted of thirteen stripes, red and white, with the crosses of St. George and St. Andrew on a blue field in the canton or union. This preceded the Declaration of Independence and indicated that the colonies had not wholly broken from the mother country. This flag was first unfurled by Washington, January 2, 1776. It was probably this flag which was raised by Paul Jones on his vessel and carried by the American fleet which sailed out of Philadelphia in February, 1776.

During 1776 and 1777 a number of flags with thirteen stripes came into use and the need of a definite national emblem was realized. On June 14, 1777, Congress passed an act stating "That the flag of the thirteen United States be thirteen stripes, alternate red and white, that the union be thirteen stars, white in a blue field, representing a new constellation." This was the birthday of the Flag as we now know it and June 14 is now celebrated as "Flag Day." This new flag was first displayed on land at Fort Stanwix, New York, and it remained the national standard until 1795.

In the meantime Vermont and Kentucky had become states, and on January 13, 1794, Congress voted that the flag should have fifteen stripes and fifteen stars. This flag remained in use for twenty-three years, and it was "The Star-Spangled Banner" of which Francis Scott Key wrote in 1814.

In April, 1818, Congress passed an act providing that the flag should have the thirteen horizontal stripes, alternate red and white, and that the union should display twenty stars, representing the number of states then in the Union. It also provided that on the admission of every new state to the Union a star should be added on the following July 4th and this has been the regulation ever since, accounting now for the forty-eight stars shown.

PLEDGE OF ALLEGIANCE TO THE FLAG

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

# THE CODE OF THE FLAG OF THE UNITED STATES

The following flag code was drawn up and endorsed in 1923 by the Flag Conference, composed of representatives of the American Legion and other patriotic bodies. In 1924, this code was revised and confirmed by a second conference, and subsequently approved by United States Army and Navy experts. It is generally accepted and used in schools and by patriotic bodies throughout the country.

## PROPER MANNER OF DISPLAYING THE FLAG

1. The Flag should be displayed only from sunrise to sunset, or between such hours as may be designated by proper authority. It should be hoisted briskly but should be lowered ceremoniously. The Flag should be displayed on all National and State holidays and on historic and special occasions. (However, being the emblem of our country, it ought to fly from every flagpole every day throughout the year, weather permitting).

2. **When carried in a procession with another flag or flags, the Flag** of the United States of America should be either on the marching right, i. e., the Flag's own right, or when there is a line of other flags, the Flag of the United States of America may be in front of the center of that line.

3. **When displayed with another flag against a wall from crossed staffs,** the Flag of the United States of America should be on the right, the Flag's own right, and its staff should be in front of the staff of the other flag.

4. **When a number of flags of States or cities or pennants are grouped and displayed from staffs with the Flag of the United States of America,** the latter should be at the center or at the highest point of the group.

5. **When flags of States or cities or pennants of societies are flown on the same halyard with the Flag of the United States of America,** the latter should always be at the peak.

When flown from adjacent staffs the Flag of the United States of America should be hoisted first and lowered last. No such flag or pennant flown in the former position should be placed above, or in the latter position to the right of the Flag of the United States of America, i. e., to the observer's left.

6. **When flags of two or more nations are displayed** they should be flown from separate staffs of the same height and the flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

7. **When the Flag is displayed from a staff projecting horizontally or at an angle** from the window sill, balcony, or front of building, the union of the Flag should go clear to the peak of the staff unless the Flag is at half-staff. (When the Flag is suspended over a sidewalk from a rope, extending from a house to a pole at the edge of the sidewalk, the Flag should be hoisted out from the building towards the pole, union first.)

8. **When the Flag is displayed in a manner other than by being flown from a staff,** it should be displayed flat, whether indoors or out. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the Flag's own right, i. e., to the observer's left. When displayed in a window it should be displayed the same way, that is, with the union or blue field to the left of the observer in the street. When festoons, rosettes, or drapings are desired, bunting of blue, white, and red should be used, but never the Flag.

9. **When displayed over the middle of the street,** the Flag should be suspended vertically with the union to the north in and east and west street or to the east in a north and south street.

10. **When used on a speaker's platform, the Flag,** if displayed flat, should be displayed above and behind the speaker. If flown from a staff it should be in the position of honor, at the speaker's right. It should never be used to cover the speaker's desk nor to drape over the front of the platform.

11. **When used in connection with the unveiling of a statue or monument,** the Flag should form a distinctive feature during the ceremony, but the Flag itself should never be used as the covering for the statue.

12. **When flown at half-staff,** the Flag should be hoisted to the peak for an instant and then lowered to the half-staff position; but before lowering the Flag for the day it should be raised again to the peak. By half-staff is meant hauling down the Flag to one-half the distance between the top and the bottom of the staff. If local conditions require, divergence from this position is permissible. On Memorial Day, May 30th, the Flag is displayed at half-staff from sunrise until noon and at full staff from noon until sunset; for the Nation lives and the Flag is the symbol of the living Nation.

13. **Flags flown from fixed staffs** are placed at half-staff to indicate mourning. When the Flag is displayed on a small staff, as when carried in a parade, mourning is indicated by attaching two streamers of black crepe to the spear head, allowing the streamers to fall naturally. Crepe is used on the flagstaff only by order of the President.

14. **When the Flag is displayed in the body of the church,** it should be from a staff placed in the position of honor at the congregation's right as they face the clergyman. The service flag, the State flag or other flag should be at the left of the congregation. In the chancel or on the platform, the Flag of the United States of America should be placed at the clergyman's right as he faces the congregation and the other flags at his left.

15. **When the Flag is in such a condition that it is no longer a fitting emblem for display,** it should not be cast aside or used in any way that might be viewed as disrespectful to the National colors, but should be destroyed as a whole privately, preferably by burning or by some other method in harmony with the reverence and respect we owe to the emblem representing our Country.

## CAUTIONS

1. Do not permit disrespect to be shown to the Flag of the United States of America.

2. Do not dip the Flag of the United States of America to any person or any thing. The regimental color, State flag, organization or institutional flag will render this honor.

3. Do not display the Flag with the union down except as a signal of distress.

4. Do not place any other flag or pennant above or, if on the same level, to the right of the Flag of the United States of America.

5. Do not let the Flag touch the ground or the floor, or trail in the water.

6. Do not place any object or emblem of any kind on or above the Flag of the United States of America.

7. Do not use the Flag as drapery in any form whatsoever. Use bunting of blue, white, and red.

8. Do not fasten the Flag in such manner as will permit it to be easily torn.

9. Do not drape the Flag over the hood, top, sides or back of a vehicle, or of a railway train or boat. When the Flag is displayed on a motor car, the staff should be affixed firmly to the chassis, or clamped to the radiator cap.

10. Do not display the Flag on a float in a parade except from a staff.

11. Do not use the Flag as a covering for a ceiling.

12. Do not carry the Flag flat or horizontally, but always aloft and free.

13. Do not use the Flag as a portion of a costume or of an athletic uniform. Do not embroider it upon cushions or handkerchiefs nor print it on paper napkins or boxes.

14. Do not put lettering of any kind upon the Flag.

15. Do not use the Flag in any form of advertising nor fasten an advertising sign to a pole from which the Flag is flown.

16. Do not display, use or store the Flag in such a manner as will permit it to be easily soiled or damaged.

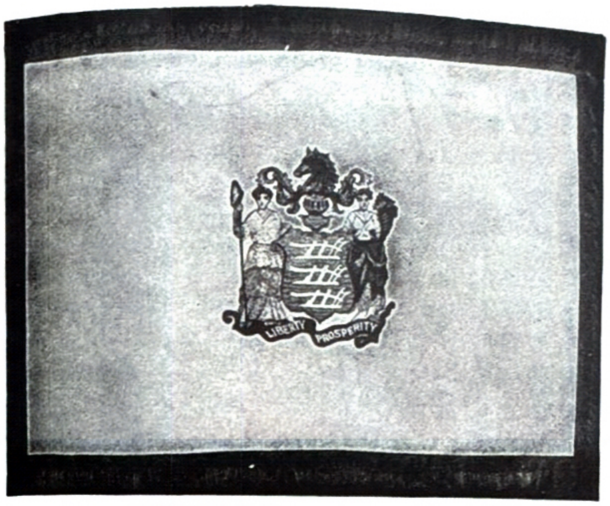
### PLEDGE TO THE FLAG

In pledging allegiance to the Flag of the United States of America, the approved practice in schools, which is suitable also for civilian adults, is as follows:

Standing with the right hand over the heart, all repeat together the following pledge:

"I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Civilian adults will always show full respect to the Flag, when the pledge is being given, by merely standing at attention, men removing the headdress. Persons in uniform should render the right hand salute.



## THE FLAG OF NEW JERSEY

The flag of the State of New Jersey was adopted in 1896 and its form specified in the following words: "The state flag shall be of buff color, having in the center thereof the arms of the state properly blazoned thereon." This brief description suggests a wealth of historical lore that makes the flag a very real symbol of New Jersey's past and a subject of lively interest to every patriotic citizen.

The buff field of the flag retains the color of the field of the flag used by the New Jersey colonial troops, and with the blue of the escutcheon preserves the memory of the blue and buff uniforms prescribed by Washington for the New Jersey regiments in the Revolution.

The arms are those specified in 1776 for the Great Seal of the state, which the first legislature had ordered. They show three plows, indicative of the agricultural pursuits of the state at that time, on a blue field, with Ceres, the goddess of fertility, and Liberty as supporters. Ceres, bearing her horn of plenty, is on the observer's right, and Liberty, bearing the symbolic liberty cap upon a staff, is opposite her. The crest is a horse's head set upon a helmet and wreath.